



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President McKay at 9:45 a.m. A quorum present—40:

Mr. President	Dawson	Latvala	Rossin
Bronson	Diaz de la Portilla	Laurent	Sanderson
Brown-Waite	Dyer	Lawson	Saunders
Burt	Garcia	Lee	Sebesta
Campbell	Geller	Meek	Silver
Carlton	Holzendorf	Miller	Smith
Clary	Horne	Mitchell	Sullivan
Constantine	Jones	Peaden	Villalobos
Cowin	King	Posey	Wasserman Schultz
Crist	Klein	Pruitt	Webster

PRAYER

The following prayer was offered by the Rev. Karl Flagg, Mount Tabor First Baptist Church, Palatka:

Almighty and Everlasting God, our help in ages past, our hope in years to come. This morning we entreat thee, O Lord, at thy eternal throne in the spirit of humility and submission unto thy will. In our time of need, we are suppliant and you are our source.

Our Father, we are grateful for the countless blessings you bestow upon us. We come now to thank you for entrusting us to this sacred service, for it is thee alone, our Father and creator, who hath brought us and taught us; it is thee who has cared for us and shared with us; it is thou who enlightens and empowers us. You, our Father, have made a way out of no way and now we pray for your grace and mercy; your provision and protection.

O Holy One, we ask that you would lead, guide and order the steps of our Florida Senate. Please give us an attitude of gratitude and simultaneously, an intrinsic fortitude that unites rather than divides. Grant all of our leaders wisdom, knowledge and understanding so that our hearts may be applied to the needs and the issues of our State. For our past, forgive us and heal us; for our present, rekindle us and redirect us; for our future, grant us exemplary vision and keep us forever within thy sacred service. We also ask a special prayer and blessing upon Aileen Pruitt, wife of Senator Ken Pruitt, LéJean Miller, daughter of Senator Les Miller and Jim Lee, father of Senator Tom Lee. Meet their needs according to your riches in glory. We will give thee praise, glory and honor both today and in the days to come. In thy sovereign name we pray. Amen.

PLEDGE

Senate Pages Julia Mitchell of Altamonte Springs and Erin McIntosh of Spring Hill, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. David Levine of Plantation, sponsored by Senator Silver, as doctor of the day. Dr. Levine specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Silver—

By Senator Silver—

SR 204—A resolution commending the osteopathic physicians of this state and recognizing April 4, 2001, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has nine accredited osteopathic hospitals, an osteopathic medical college, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, since 1990, the number of active osteopathic physicians in this state has increased by 47 percent, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 4, 2001, as Osteopathic Medicine Day.

—**SR 204** was introduced, read and adopted by publication.

On motion by Senator Carlton—

By Senator Carlton—

SR 2148—A resolution honoring Dr. William Russell Mote.

WHEREAS, born in 1906 in Tampa, Florida, Dr. William Russell Mote grew up by the sea and developed an intense love for all the treasures that it holds, and

WHEREAS, Dr. Mote left his home in 1929 for New York, where he founded the Republic Carloading and Distributing Company with partner Ted Bartels, popularizing a technique that made it practical to transport large trailers and containers on train flatcars across the United States, and

WHEREAS, although he made his fortune developing efficient means of moving cargo from ship to shore, Dr. William Mote never forgot his love for the sea, and focused much of his energy and his fortune to protecting the vast riches it held, and

WHEREAS, upon his retirement from the Republic Carloading and Distributing Company's Board of Directors, Dr. Mote directed his focus on his first love, serving on The Florida Council of 100 Committee on Oceanography and, after moving to Sarasota, Florida, in 1965, working to make Cape Haze Marine Laboratory a thriving marine research facility, and

WHEREAS, for his efforts in transforming the small Cape Haze Marine laboratory into an internationally recognized institution, the name was changed to Mote Marine Laboratory in 1967, in honor of the members of the Mote family, the laboratory's main benefactors, and the following year, Dr. William Mote received the Gold Medal Award of the International Oceanographic Foundation, and

WHEREAS, Dr. William Russell Mote actively participated in the Mote Marine laboratory affairs until his death on July 18, 2000, and

WHEREAS, in his lifetime, Dr. Mote dedicated his services to preserving the sea through partnerships with the Florida State University, from which he received an honorary doctorate degree, establishing the William R. and Lenore Mote Eminent Scholar Chair in Fisheries Ecology and Enhancement and providing intern scholarships, as well as establishing the Mote Vascular Foundation to further the lay public's and the medical community's knowledge of vascular diseases and their treatment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to honor the memory of Dr. William Russell Mote in recognition of his tireless efforts to preserve our beautiful seas and all life therein, and to encourage everyone to honor the memory of one of Florida's most accomplished philanthropists, a man whose life is a testament to the good that we all can accomplish when we follow our hearts.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 2148** was read the second time in full and adopted.

On motion by Senator Carlton—

By Senator Carlton—

SR 2200—A resolution recognizing April 2-8, 2001, as "Oceans Week" and April 4, 2001, as "Oceans Day."

WHEREAS, the Florida Senate recognizes that coastal and ocean resources are vital to Florida's quality of life and economic vitality, and

WHEREAS, it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty, in accordance with Article II, Section 7 of the Florida Constitution, and

WHEREAS, Florida is the only state in the contiguous United States that is bordered on three sides by the sea, with over 8,000 miles of continuous tidal shoreline, and

WHEREAS, over 75 percent of Florida's citizens live within its coastal counties, and

WHEREAS, there is a need to coordinate the protection, enhancement, and management of our state's ocean resources so that future generations will enjoy healthy ocean and coastal resources, and

WHEREAS, oceans provide the basis for a significant part of the state's economic, ecological, and social well-being, and

WHEREAS, tourism is Florida's largest industry, depending in large part on its oceans and beaches, generating more than \$40.8 billion in taxable spending, and

WHEREAS, recreational boating depends on Florida's coasts and oceans, contributing over \$3.5 billion per year to the state's economy, along with commercial fishing valued at approximately \$900 million annually to Florida's economy, and

WHEREAS, Florida's fourteen deepwater ports handle over \$40.9 billion worth of imports and exports, expected to reach \$130 billion in trade by 2005, and serve over 80 percent of homeport cruise passenger movements in North America, and

WHEREAS, the United States Congress has called for the establishment of a coordinated and comprehensive national ocean policy by passing the Oceans Act of 2000, with appointment of a national commission by April 20, 2001, and a final report due 18 months after the commission is established, or by late 2002, and

WHEREAS, Oceanology International 2001, a world-class exhibition and joint ocean forum, is holding its first biennial Americas Conference in Miami, Florida, on April 3-5, 2001, and

WHEREAS, Mote Marine Laboratory and the Florida Institute of Oceanography are organizing ocean-related exhibitions and a reception for legislators and governmental officials at the State Capitol on April 4, 2001, and

WHEREAS, the Florida Ocean Alliance has been formed as a non-profit, nonpartisan, public-private partnership of ocean-related interests to promote awareness and understanding of the ocean's importance to the ecology and economy of Florida and its neighbors, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the week of April 2-8, 2001, as Oceans Week, and April 4, 2001, as Oceans Day in recognition of the importance of Florida's ocean resources, and to promote public awareness of this importance.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 2200** was read the second time in full and adopted.

At the request of Senator Bronson—

By Senator Bronson—

SR 2244—A resolution honoring the Florida 4-H Youth Development Program for serving the needs of the young people of our state.

WHEREAS, the Florida 4-H Youth Development Program at the University of Florida's Institute of Food and Agricultural Sciences exists to develop young people ages five through eighteen, and

WHEREAS, the 4-H youth development program has served young people in our state since 1909 and will celebrate its national centennial in 2002, and

WHEREAS, the 4-H program has molded itself to meet the need of our citizens by focusing on developing rural, suburban, and urban youth, and

WHEREAS, the 4-H program has taught youth using the research and knowledge base of our state's land grant institutions, the University of Florida, and Florida A&M University, and has broadened its program areas to encompass not only agriculture and animal science, but also public speaking, computers, wildlife, forestry, and many other topics of interest to today's young people, and

WHEREAS, through "learning by doing" experiences young people in the 4-H program learn through hands-on instruction about the world around them and with the guidance of caring adult volunteer mentors and cooperative extension service faculty and staff, and

WHEREAS, through the call to excellence epitomized in its motto "to make the best better," 4-H inspires today's young people to strive for their dreams and to not settle for anything less than their best effort, and

WHEREAS, the 4-H program enables young people to grow up and become participating citizens in a democracy and defenders of democracy through outstanding and exemplary programs such as the Florida 4-H Legislature and the citizenship project, and

WHEREAS, the Florida 4-H program served 241,628 youth in the Sunshine State last year alone through 4-H clubs, special interest groups, camping, and school enrichment educational programs, and

WHEREAS, 4-H young people across Florida devote thousands of hours in service to their communities annually through the 4-Hers Helping the Hungry project and other service activities, and

WHEREAS, positive youth development is violence prevention, and the 4-H program teaches conflict resolution skills to elementary schoolers through the Talking with TJ program and is conducting a "Take a Stand Against Violence" Pledge Card campaign to encourage youth and adults to stand up to the violence in today's society, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida 4-H Youth Development Program is commended for its efforts on behalf of young people in the state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida 4-H Youth Development Program as a tangible token of the sentiments of the Florida Senate.

—**SR 2244** was introduced, read and adopted by publication.

At the request of Senator Garcia—

By Senator Garcia—

SR 2254—A resolution recognizing Wednesday and Thursday, April 4 and 5, 2001, as "Miami-Dade County Days."

WHEREAS, Greater Miami-Dade County contains more than 72,000 businesses that employ over 1 million people and is the site of 50 foreign consulates, 23 international trade offices, and 31 bi-national Chambers of Commerce, and

WHEREAS, Miami-Dade County is a center of world finance, with 150 financial institutions and foreign agencies within its boundaries, and

WHEREAS, the film and TV industry has made Miami-Dade County one of the largest production centers in the nation, and last year the economic impact of this industry was estimated at \$2.5 billion, and

WHEREAS, agriculture continues to provide over \$800 million in economic activity, and the industry has diversified such that Miami-Dade County is one of the largest producers in the United States of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing is also a key industry in Miami-Dade County, with nearly 2,700 companies that employ approximately 68,100 individuals, and

WHEREAS, Miami-Dade County is experiencing a cultural boom in world-class entertainment and cultural activities, which is evidenced by the more than 1,000 nonprofit cultural organizations offering dance, theater, music and visual arts, and festivals and special events and by the development of a state-of-the-art performing arts center, and

WHEREAS, the Miami-Dade community is a microcosm of the world, in which 156 countries are represented, 60 languages are spoken daily, and 15 languages are taught in the community's schools, from which 69 direct, nonstop flights take passengers to Latin America and the Caribbean, and at which trade flourishes in the U.S. port located closest to Africa, and

WHEREAS, today the tourism industry and the spillover created by the industry creates jobs for one in every six residents of the Miami-Dade area, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Wednesday and Thursday, April 4 and 5, 2001, are recognized as "Miami-Dade County Days."

—**SR 2254** was introduced, read and adopted by publication.

At the request of Senator Garcia—

By Senator Garcia—

SR 2256—A resolution recognizing the contributions of the Greater Miami Host Committee, Inc., to Miami-Dade County and the State of Florida.

WHEREAS, the Greater Miami Host Committee, Inc., celebrates its 20th Anniversary as the first host committee incorporated in the State of Florida, and

WHEREAS, the Greater Miami Host Committee, Inc., is a nonprofit, civic organization, established in 1981, whose mission is to provide services for those signature events which promote the tourism, industry, business, trade and commerce, culture, education, governmental relations, international affairs, and community and economic development of Miami-Dade County to local, national, and international markets, and

WHEREAS, the Greater Miami Host Committee has defined its role of service and set the standards for hosting signature events by encouraging the support of corporate, public, and private partners who have demonstrated an ongoing commitment to the committee and Miami-Dade County, and

WHEREAS, the committee's events provide an opportunity for community building, recreation, publicity for economic growth, and a means by which people may express a sense of pride and promote the common good and welfare, civic betterment, and social improvements, and

WHEREAS, the committee is committed to embracing Miami-Dade County's global connections by hosting international signature events that promote hospitality, goodwill, trust, intercultural communications, and international exchange, and

WHEREAS, the committee, over the past 20 years, has hosted and introduced Miami-Dade County to billions the world over by launching such signature events as Miss U.S.A., Miss Universe, the 63rd U.S. Conference of Mayors, ASTA, Sabado Gigante, Super Bowl XXIX, Miss Collegiate Black America, the Miami International Rowing Regatta, Fashion Week of the Americas, The Big Orange New Year's Eve Celebration, the largest free family New Year's Event in South Florida, and the Miami-Dade Millennium Celebration, and

WHEREAS, the committee, chaired by Monty P. Trainer, has hosted the Miami-Dade Days in Tallahassee for 13 years, promoting the needs of Miami-Dade County and presenting its World Famous "Paella Fest" to statewide and international leaders, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the Greater Miami Host Committee, Inc., for its contributions to Miami-Dade County and the State of Florida.

—**SR 2256** was introduced, read and adopted by publication.

MOTION

On motion by Senator Mitchell, the House was requested to return **CS for SB 238**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 1116**, **CS for SB 1118** and **CS for SB 1122** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Peaden—

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1214** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for CS for SB 870—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “proper invoice,” “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (094180)—On page 2, line 13, delete “community college,”

Pursuant to Rule 4.19, **CS for CS for SB 870** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BROWN-WAITE PRESIDING

On motion by Senator Geller—

CS for SB 208—A bill to be entitled An act relating to consumer protection; amending s. 501.202, F.S.; revising rules of construction to provide date of applicability for conforming state consumer protection and enforcement with federal law; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (820168)(with title amendment)—On page 2, line 21 through page 3, line 5, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending s.

Pursuant to Rule 4.19, **CS for SB 208** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 150** was deferred.

On motion by Senator Silver—

CS for SB 788—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (333494)—On page 2, between lines 30 and 31, insert flush left:

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Pursuant to Rule 4.19, **CS for SB 788** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 150—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor’s interests from attachment, garnishment, or legal process; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendment which was adopted:

Amendment 1 (430468)(with title amendment)—On page 1, line 24, following the period (.) insert: *This exemption does not apply to a debt owed for child support or spousal support.*

And the title is amended as follows:

On page 1, line 5, following the semicolon (;) insert: providing that such exemption does not apply to debts owed for child support or spousal support;

Pursuant to Rule 4.19, **SB 150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 178** was deferred.

On motion by Senator Garcia—

SB 648—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 648** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt, consideration of **SB 426** was deferred.

On motion by Senator Pruitt—

SB 418—A bill to be entitled An act relating to public records and meetings; repealing s. 240.2995(6), F.S., which contains a declaration that meetings of the governing board of a university health services support organization are public and a requirement that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S.; requiring such an organization to make certain records available to the Department of Insurance; revising those records of such organizations pertaining to marketing plans and managed care contracts and those committee, governing board, and peer review panel meetings which are exempted from open-records and open-meetings requirements; providing for recording proceedings at meetings; prescribing a schedule for release of records; providing findings of public necessity; providing for subsequent repeal and legislative review; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 418** to **HB 407**.

Pending further consideration of **SB 418** as amended, on motion by Senator Pruitt, by two-thirds vote **HB 407** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Pruitt—

HB 407—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of

1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

—a companion measure, was substituted for **SB 418** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 407** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

CS for SB 746—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 746** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

CS for SB 1788—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1788** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring contracted health care providers to accept the terms of other health care contracts as a condition of continuation or renewal; amending s. 627.662, F.S.; applying such prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying such prohibition to health maintenance organizations; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (072784)—On page 1, line 23 and on page 2, line 8, after “renewal” insert: *of the contract*

Senator Crist moved the following amendment which was adopted:

Amendment 2 (944832)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.6474, Florida Statutes, is created to read:

627.6474 Provider contracts.—A health insurer shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the insurer, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.

Section 2. Subsection (11) is added to section 627.662, Florida Statutes, to read:

627.662 Other provisions applicable.—The following provisions apply to group health insurance, blanket health insurance, and franchise health insurance:

(11) Section 627.6474, relating to provider contracts.

Section 3. Subsection (10) is added to section 641.315, Florida Statutes, to read:

641.315 Provider contracts.—

(10) A health maintenance organization shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the health maintenance organization, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.

Section 4. This act shall take effect July 1, 2001, and shall apply to contracts entered into or renewed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 836** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1094—A bill to be entitled An act relating to property or liability insurance contracts; providing that certain pollution-exclusion provisions may exclude only certain incidents and hazards; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (663470)—On page 1, lines 16 and 17, delete “are traditionally associated with environmental pollution” and insert: *involve long-term environmental degradation or an environment-wide exposure*

Pursuant to Rule 4.19, **SB 1094** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 1398—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (161742)—On page 18, lines 5-9, delete those lines and insert: *owner using due diligence. For purposes of this section, except for banks, credit unions, and state or federal savings associations, an account is inactive if 2 years have transpired after the last owner-initiated account activity, if 2 years have transpired after the expiration date on the instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable. With respect to banks, credit unions, and state or federal savings associations, an account is inactive if 2 years have transpired after the last owner-initiated account activity and first-class mail has been returned as undeliverable or 2 years after the expiration date on the instrument or contract and first-class mail has been returned as undeliverable.*

Amendment 2 (954214)—On page 32, lines 19-22, delete those lines and insert:

(a) Limit the fees for services for each owner contract to \$25 for all contracts relating to unclaimed property with a dollar value below \$250. For all contracts relating to unclaimed property with a dollar value of \$250 and above, fees shall be limited to 15 percent on property held by the department for 24 months or less and 25 percent on property held by the department more than 24 months. Fees for cash accounts shall be based on the value

Pursuant to Rule 4.19, **CS for SB 1398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1052—A bill to be entitled An act relating to pest control; amending s. 482.2267, F.S.; providing for a physician licensed under ch. 459, F.S., to provide certification for purposes of placing a person on the registry for prior notification of the application of a pesticide or class of pesticides; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning, Local and Military Affairs recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (415648)—On page 5, lines 18, 19, 22 and 25, delete "or chapter 487"

Senator Silver moved the following amendment which was adopted:

Amendment 2 (330962)(with title amendment)—On page 1, line 15 through page 4, line 22, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to pest control; amending s. 482.242, F.S.;

SENATOR WEBSTER PRESIDING

Pursuant to Rule 4.19, **CS for SB 1052** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 1372—A bill to be entitled An act relating to persons with developmental disabilities; reenacting s. 400.962, F.S., to ratify prior changes that removed the licensure requirement for comprehensive transitional educational programs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1372** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 178—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing for application to existing liens; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (634198)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), (3), and (4) of section 55.10, Florida Statutes, are amended to read:

55.10 Judgments, orders, and decrees; lien of all, generally; extension of liens; transfer of liens to other security.—

(1) A judgment, order, or decree becomes a lien on real *property estate* in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation, ~~and it shall be a lien for a period of 7 years from the date of the recording~~ provided that the judgment, order, or decree contains the address of the person who has a lien as a result of such judgment, order, or decree or a separate affidavit is recorded simultaneously with the judgment, order, or decree stating the address of the person who has a lien as a result of such judgment, order, or decree. A judgment, order, or decree does not become a lien on real *property estate* unless the address of the person who has a lien as a result of such judgment, order, or decree is contained in the judgment, order, or decree or an affidavit with such address is simultaneously recorded with the judgment, order, or decree. *If the certified copy was first recorded in a county in accordance with this subsection between July 1, 1987, and June 30, 1994, then the judgment, order, or decree shall be a lien in that county for an initial period of 7 years from the date of the recording. If the certified copy is first recorded in accordance with this subsection on or after July 1, 1994, then the judgment, order, or decree shall be a lien in that county for an initial period of 10 years from the date of the recording.*

(2) The lien provided for in subsection (1) *or an extension of that lien as provided by this subsection* may be extended for an additional period of 10 years, subject to the limitation in subsection (3), by rerecording a certified copy of the judgment, order, or decree prior to the expiration of the lien *or the expiration of the extended lien provided for in subsection (4)* and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment, order, or decree. ~~The extension one additional period of 10 years shall be effective from the date the certified copy of the judgment, order, or decree is rerecorded.~~ The lien *or extended lien* will not be extended unless the affidavit with the current address is simultaneously recorded.

(3) In no event shall the lien upon real property created by this section be extended beyond the period provided for in s. 55.081 *or beyond the point at which the lien is satisfied, whichever occurs first.*

(4) ~~Except as otherwise provided in this subsection,~~ This act shall apply to all judgments, orders, and decrees of record which constitute a lien on real property; ~~except that immediately prior to the effective date of this act, any judgment, order, or decree recorded prior to July 1, 1987, shall be unaffected by the changes in this act and shall remain a lien on real property until the period provided for in s. 55.081 expires or until the lien is satisfied, whichever occurs first.~~

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 178** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1524—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1524** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 854—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (374424)(with title amendment)—On page 6, between lines 5 and 6, insert:

(14) By January 31, 2003, and annually thereafter, the department shall report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to the chairs of the committees with substantive jurisdiction over the department on the number, location, and size of all aquifer storage and recovery wells that have been permitted with a zone of discharge under the provisions of this section. The report shall also include summary information on the results of any monitoring associated with a zone of discharge.

And the title is amended as follows:

On page 1, line 18, after the first semicolon (;) insert: requiring a report;

Amendment 2 (395918)(with title amendment)—On page 6, lines 6-21, delete those lines and insert:

Section 2. Paragraph (g) is added to subsection (1) of section 373.309, Florida Statutes, to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(g) Ensure that such rules prohibit the construction of any water well in a location that intersects, or the use of which in such a location would influence, a zone of discharge for an aquifer storage and recovery well approved by the department under s. 403.065. The department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments, maps of zones of discharge for aquifer storage and recovery wells it has approved. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request.

And the title is amended as follows:

On page 1, lines 18 and 19, delete those lines and insert: authority; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public;

Pursuant to Rule 4.19, **SB 854** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 1030—A bill to be entitled An act relating to water resources; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” “nontransient noncommunity water system,” and “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (500578)—On page 11, lines 23-30, delete those lines and insert: *application and license renewal shall be nonrefundable.* The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

- (1) The application fee may not exceed \$100 and is not refundable.
- (2) The renewal fee may not exceed \$100 and is not refundable.
- (3) All fees collected under this section must be

Amendment 2 (582002)(with title amendment)—On page 14, between lines 27 and 28, insert:

Section 16. Subsection (5) is amended and subsection (10) is added to section 373.323, Florida Statutes, to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(5) The water management district shall issue a water well contracting license to any applicant who receives a passing grade on the exami-

nation, has paid the initial application fee, *take and completes, to the satisfaction of the department a minimum of 12 hours of approved coursework*, and has complied with the requirements of this section. A passing grade on the examination shall be as established by the department by rule. A license issued by any water management district shall be valid in every water management district in the state.

(10) *Water well contractors licensed pursuant to this section shall be authorized to install, repair and modify pumps and tanks in accordance with the Florida Building Code, chapter 29; Section 612 -- Well Pumps and Tanks Used for Private Potable Water Systems. In addition, licensed water well contractors shall be able to install pumps, tanks, and water conditioning equipment for all water well systems.*

Section 17. Section 373.324, Florida Statutes, is amended to read:

373.324 License renewal.—

(1) A water well contractor shall submit an application for renewal of a license to the water management district which issued the license.

(2) The water management district shall renew a license upon receipt of the renewal application, *proof of completion of 12 classroom hours of continuing education for each renewal cycle*, and renewal fee.

(3) *The department shall prescribe by rule the method for renewal of license which shall include continuing education requirements of not less than 12 classroom hours for each renewal cycle.*

(4)(3) The department shall adopt rules establishing a procedure for the biennial renewal of licenses, which shall be adopted by each water management district.

(5)(4) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the qualifications for reactivation in s. 373.325.

(6)(5) At least 60 days prior to the automatic reversion of a license to inactive status, the water management district shall mail a notice of such reversion to the last known address of the licensee.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 7, after “agencies”; insert: amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems; amending s. 373.324, F.S.; providing continuing education requirements for license renewal;

Pursuant to Rule 4.19, **CS for SB 1030** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Carlton—

SB 1564—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2001 version of the Internal Revenue Code; providing for retroactivity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1564** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 240** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (102780)—On page 2, line 15, after the period (.) insert: *The probation officer is permitted to continue to supervise any offender who remains available to the officer for supervision until the supervision expires pursuant to the order of probation or community control or until the court revokes or terminates the probation or community control, whichever comes first.*

Amendment 2 (510306)—On page 3, line 13, after the period (.) insert: *Notwithstanding s. 775.082, when a period of probation or community control has been tolled, upon revocation or modification of the probation or community control, the court may impose a sanction with a term that when combined with the amount of supervision served and tolled, exceeds the term permissible pursuant to s. 775.082 for a term up to the amount of the tolled period supervision.*

Pursuant to Rule 4.19, **CS for SB 888** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 676—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term “prison releasee reoffender” to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (215040)—On page 2, delete line 11 and insert:

q. Burglary of a dwelling or burglary of an occupied structure ~~or dwelling~~; or

Amendment 2 (741912)—On page 2, lines 20 and 31, delete “*jurisdiction*” and insert: *jurisdiction*,

Amendment 3 (024810)—On page 2, line 22 and on page 3, lines 1 and 2, delete “*imposed exceeded 1 year*” and insert: *is punishable by more than 1 year in this state*

Pursuant to Rule 4.19, **SB 676** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence of an admission of liability in a civil action; providing for the admissibility of certain statements; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (291126)—In title, on page 1, lines 6 and 7, delete those lines and insert: gestures as evidence in a civil action; providing for the

Pursuant to Rule 4.19, **SB 1066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (732260)—On page 3, line 2, delete "parent or"

Pursuant to Rule 4.19, **CS for SB 1274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 308—A bill to be entitled An act relating to the definition of "political committee"; amending s. 106.011, F.S.; modifying the definition of "political committee"; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 1 (040392)—On page 1, lines 23 and 24, delete those lines and insert:

c. Makes expenditures that expressly advocate the election or defeat of a candidate or issue; or

Pursuant to Rule 4.19, **SB 308** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment:

Amendment 1 (100550)(with title amendment)—On page 4, between lines 4 and 5, insert:

Section 2. (1) *Except as permitted by this section, a legal action against a manufacturer, trade association, distributor, or dealer on behalf of the state or its agencies and instrumentalities, or on behalf of a county, municipality, special district, or any other political subdivision or agency of the state, for damages, abatement, or injunctive relief resulting from or arising out of the lawful design, marketing, distribution, or sale of a lawful product to the public is prohibited. However, this prohibition does not infringe upon the right of a natural person to sue a manufacturer, trade association, distributor, or dealer in any other capacity.*

(2) *A county, municipality, special district, or other political subdivision or agency of the state may not sue for or recover from a manufacturer, trade association, distributor, or dealer damages, abatement, or injunctive relief in any case that arises out of or results from the lawful design, marketing, distribution, or sale of a lawful product to the public.*

(3) *This section does not prohibit an action against a manufacturer, distributor, or dealer for:*

(a) *Breach of contract or warranty in connection with a product purchased by a county, municipality, special district, or other political subdivision or agency of the state.*

(b) *Injuries resulting from a defective product.*

(4)(a) *If a civil action is brought in violation of this section, the defendant may recover all expenses resulting from such action from the governmental entity bringing such action.*

(b) *In any civil action where the court finds that the defendant is immune as provided in this section, the court shall award the defendant all attorney's fees, costs and compensation for loss of income, and expenses incurred as a result of such action.*

(5) *This section applies to any action brought on or after the effective date of this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: prohibiting a legal action on behalf of the state or other political subdivisions against a manufacturer, trade association, distributor, or dealer for damages arising out of the marketing or sale of a lawful product; providing for actions for breach of contract or warranty; providing for actions for injuries resulting from a defective product; providing for an award of attorney's fees and compensation for loss of income if the court finds the defendant is immune as provided by the act; providing for application of the act;

On motion by Senator Bronson, further consideration of **SB 412** with pending **Amendment 1** was deferred.

On motion by Senator Diaz de la Portilla—

SB 1942—A bill to be entitled An act relating to employment screening; requiring administrators of medical clinics to successfully complete level 1 background screening; providing for payment of screening costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1942** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 1786—A bill to be entitled An act relating to insurance; creating s. 627.4553, F.S.; requiring life insurers having certain types of policies in force to annually notify policyholders of certain information concerning their policies; providing exceptions; amending s. 627.4555, F.S.; limiting an exception from specified notice requirements with respect to lapse of life insurance coverage for nonpayment of premium; creating s. 627.4587, F.S.; requiring benefit enhancement of certain types of policies if the premium payment reaches certain levels; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a specified date; requiring notice to policyholders of existing policies; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1786** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Burt, the rules were waived and the Committee on Judiciary was granted permission to extend time of adjournment until 5:00 p.m., in lieu of 4:00 p.m. as scheduled this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 134** was withdrawn from the committees of reference and further consideration.

On motion by Senator Meek, by two-thirds vote **SB 48** was withdrawn from the committee of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **SB 2214** was withdrawn from the Committees on Regulated Industries; and Finance and Taxation; and referred to the Committees on Judiciary; and Finance and Taxation.

SPECIAL GUESTS

Senator Diaz de la Portilla introduced his parents, Miguel and Faviola Diaz, who were present in the gallery.

POINT OF PERSONAL PRIVILEGE

On motion by Senator Lee, the following remarks were ordered spread upon the Journal:

Senator Garcia: When I took the responsibility of becoming Chairman of the Governmental Oversight and Productivity Committee, the staff told us that it would be a very exciting process as we would move forward. Nonetheless, I never imagined that I would be involved in something quite so different that has affected this Legislature as never before.

Yesterday afternoon, AFSCME obtained a Restraining Order against the Legislature from holding the Collective Bargaining Joint Select Committee meeting. A substitute judge, without a hearing, without hearing from the Florida Senate or myself, made the decision without reasonable notice and issued an Order to the Legislature—a Temporary Restraining Order.

This is the first time in the institutional memory of this Legislature that a Florida Judge has ever told a legislative committee not to meet, or how to conduct its internal business.

The role of the courts is to evaluate the **product** of the legislative process, not to interfere with our **process**.

Under the authority of Article III, Section 4(a), the Florida Constitution, each house has adopted Rules of Procedure under which this meeting was noticed. Each house is the “sole judge” of the interpretation, implementation, and enforcement of these Rules.

How the Legislature operates under, and thus implements its Rules of Procedure, is and should be of no concern to the courts of the State of Florida. Separation of powers between the three branches demands no less.

The Legislature is an equal, co-ordinate branch of state government. For this court to prohibit a legislative committee from meeting is as unsound as the Legislature enacting a law to attempt to prohibit a court from hearing a case.

If we had cancelled this meeting, we would have set precedent to invite the Circuit Court of Leon County to determine the future decisions that this body makes. That’s why I, yesterday, under advice of counsel, determined that we should have our meeting. In referring to the statement

that I made earlier today, I was willing to do the ultimate for this body because of the separation of power. We were joking about this earlier, but the key is “What is this Legislature here to do?” if the courts interfere with the process.

We were not willing to turn over our constitutional prerogatives and responsibilities to the circuit judge.

The Legislature proceeded with the meeting for another separate reason.

The Temporary Restraining Order required us to do two things:

- a. Cancel the meeting yesterday, and
- b. Not reschedule it until the parties “invoke the jurisdiction of the Legislature in the time and the manner as provided by Section 447.403, F.S.”

The law (s. 447.403, F.S.) says that *either* party can reject the Special Master’s Report **within 20 days**. In the event that either the public employer or the employee organization rejects the Special Master’s recommendation, the Governor shall **within 10 days** after rejection of a Special Master’s Report, submit a copy of the Special Master’s Report to the Legislature, along with the Governor’s recommendation for settling the disputed issues. The Legislative body shall “forthwith” conduct a public hearing at which the parties shall be required to explain their positions on why they rejected the Special Master’s recommendation.

The Special Master’s Report was dated March 31, 2001. The Governor’s rejection of the Special Master’s Report and transmittal of it to the Legislature occurred yesterday afternoon, before the scheduled meeting time. All this activity was 100 percent consistent with the statute which, as noted above, has “up to” time periods, not fixed minimum time periods for these objections and reports to be filed.

So, by the time of the meeting yesterday, we were released from the Restraining Order, by the Restraining Order’s own terms.

Today we read in the newspaper clips that the unions will continue to pursue this matter with the courts today. I thought that it was important that the members of this body hear what has been happening, pursuant to this issue. This may be about an entirely different argument, but they should not have brought in other issues. A Personal Restraining Order or a Temporary Restraining Order on a member of this body—my God, what could be next?

That’s why I wanted to stand up and tell the members of this body that I respect, as a new member of the Florida Senate, I will do what needs to be done, Mr. President, to continue and uphold the Rules of this body and the laws of the State of Florida and the Constitution of the State of Florida. Thank you very much for this opportunity, Sir, and members. Thank you very much.

Mr. President: Thank you, Senator. That’s very well said. I appreciate your efforts on behalf of the Senate. We applaud your decision and the calm method in which you are fulfilling your duties. Thank you so very much.

MOTIONS

On motion by Senator Lee, a deadline of 5:00 p.m. Tuesday, April 10, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 11.

REPORTS OF COMMITTEES

The Committee on Education recommends the following pass: **SB 982**, **SB 1636** with 3 amendments, **SB 1644** with 2 amendments, **SB 1684** with 1 amendment

The Committee on Finance and Taxation recommends the following pass: **SB 302**

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Finance and Taxation recommends the following pass: SB 1648

The bill was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Education recommends the following pass: SB 422 with 3 amendments

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Education recommends the following pass: SB 1872 with 2 amendments

The bill was referred to the Committee on Finance and Taxation under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1428

The Committee on Education recommends the following pass: SB 1572

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 924

The Committee on Finance and Taxation recommends the following pass: SB 8 with 1 amendment, SB 20, SB 22, SB 30, SB 36 with 1 amendment, SB 40 with 1 amendment, SB 52, SB 62, SB 68, SB 74, SB 78, SB 244, CS for SB 1260

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 1704

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1896, CS for SB's 1970 and 164

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2024

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1318

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Public Safety and Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1282

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1670, SB 2082

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1708 and 1626

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Education recommends a committee substitute for the following: Senate Bills 1442 and 1570

The bills with committee substitute attached were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 180

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 890, SB 2060

The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance and Taxation recommends committee substitutes for the following: SB 42, CS for SB 158

The bills with committee substitutes attached were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 986, SB 1596 with 1 amendment

The Appropriations Subcommittee on General Government recommends the following pass: SB 674, SB 770 with 2 amendments

The Appropriations Subcommittee on Education recommends committee substitutes for the following: SB 1190, SB 1780

The Appropriations Subcommittee on General Government recommends a committee substitute for the following: SB 660

The Appropriations Subcommittee on Public Safety and Judiciary recommends committee substitutes for the following: CS for SB 268, CS for SB 400

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Finance and Taxation; and Senators Campbell, Diaz de la Portilla and Pruitt—

CS for SB 42—A bill to be entitled An act for the relief of the Guardianship of Kimberly Godwin; providing an appropriation to compensate

her for injuries she sustained as a result of the negligence of the Department of Children and Family Services; specifying use of funds; requiring a reversion of funds to the state; providing an effective date.

By the Committees on Finance and Taxation; Commerce and Economic Opportunities; and Senator Brown-Waite—

CS for CS for SB 158—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

By the Committee on Criminal Justice; and Senator Silver—

CS for SB 180—A bill to be entitled An act relating to computer crimes; providing a short title; providing legislative intent and findings; providing definitions; prohibiting specified activities that, if performed knowingly and without permission, constitute the offense of computer interference; specifying penalties to be imposed for the offense of computer interference; authorizing an action for compensatory damages against a person convicted of the offense of computer interference; providing for an award of attorney's fees to the prevailing party; requiring colleges and universities to include computer-related crime as a violation of rules governing student conduct; providing for disciplinary sanctions; providing that property used in connection with an offense of computer interference is subject to forfeiture under the Florida Contraband Forfeiture Act; providing circumstances under which a person may be convicted under the act in multiple jurisdictions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Campbell—

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

By the Committee on Criminal Justice; and Senators Burt and Horne—

CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.015, F.S.; defining the term "merchant's employee" to include private security guards; redefining the term "retail

theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a second-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; requiring that the court order a person's driver's license to be suspended following an adjudication of guilt for certain misdemeanor violations involving retail theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; prohibiting the use of a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; providing penalties for the offense of drawing a check, draft, or other order on a nonexistent account or closed account; providing penalties for a third or subsequent violation; amending s. 877.26, F.S., relating to the offense of observing or videotaping customers in a dressing room; prohibiting the surreptitious direct observation or use of visual surveillance by a merchant; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Saunders—

CS for SB 1318—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing penalties for an assault or battery upon specified facility staff; creating s. 784.078, F.S.; defining the terms "facility" and "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have

transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; amending s. 806.13, F.S.; providing a penalty for damaging specified detention or commitment facilities; providing an effective date.

By the Committee on Education; and Senators Campbell and Sebastia—

CS for SB's 1442 and 1570—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Constantine—

CS for SB 1670—A bill to be entitled An act relating to security for public deposits; revising the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; defining terms; amending s. 280.04, F.S.; revising general provisions relating to collateral for public deposits; amending s. 280.041, F.S.; prescribing requirements for collateral arrangements; prescribing requirements for Federal Reserve Bank agreements; allowing the use of letters of credit under certain conditions; revising the description of triggering events that result in the Treasurer's requiring certain deposits or transfers for the purpose of properly maintaining collateral; amending s. 280.05, F.S.; revising the powers and duties of the Treasurer; amending s. 280.051, F.S.; specifying the grounds for suspending or disqualifying a qualified public depository; amending s. 280.054, F.S.; describing acts for which a qualified public depository is subject to an administrative penalty; amending s. 280.055, F.S.; revising grounds for the issuance of cease and desist orders and corrective orders; amending s. 280.07, F.S.; providing for contingent liability of a qualified public depository; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing the purpose of the board; providing for identifying representative qualified public depositories; providing for member selection and responsibilities; providing for rulemaking by the Treasurer; amending s. 280.08, F.S.; prescribing the procedure for payment of losses after a default or insolvency has occurred; conforming a cross-reference; amending s. 280.09, F.S.; providing for deposit into the Public Deposits Trust Fund of the draw on letters of credit held as collateral; conforming a cross-reference; amending s. 280.10, F.S.; providing for the effect of consolidations of a qualified public depository with an institution that is not such a depository; providing for rulemaking; amending s. 280.11, F.S.; conforming a cross-reference; amending s. 280.13, F.S.; providing collateral requirements for letters of credit issued by a Federal Home Loan Bank; amending other collateral requirements; providing for rulemaking; amending s. 280.16, F.S.; eliminating a date that is no longer relevant; prescribing requirements of qualified public depositories; providing an effective date.

By the Committee on Education; and Senator Sullivan—

CS for SB 1704—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; requiring a review by the principal prior to reassigning a teacher; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than

the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to perform specified activities to improve teacher recruitment and retention; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending ss. 230.2305, 231.045, 231.1725, 231.471, 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; providing an effective date.

By the Committee on Criminal Justice; and Senators Bronson and Burt—

CS for SB's 1708 and 1626—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.31, F.S.; authorizing the secretary of the department to designate as law enforcement officers employees of the department's inspector general's office who are certified as law enforcement officers; prescribing the powers and duties of employees so designated; providing an effective date.

By the Committee on Banking and Insurance; and Senator Constantine—

CS for SB 1896—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term "principal representative"; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

By the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Senators Latvala, Geller and Garcia—

CS for CS for SB's 1970 and 164—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the Office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; requesting the Division of Statutory Revision to

prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; authorizing representatives of the division to enter and inspect any place of firefighter employment; providing criminal penalties for refusal to allow inspection; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in firefighter places of employment and establish standards for construction, repair, and maintenance, and related rules; requiring the division to inspect firefighter employers; requiring firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of this act; providing exemptions; providing for the source of funding of the division; specifying firefighter employees' rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; providing an effective date.

By the Committee on Finance and Taxation; and Senator Pruitt—

CS for SB 2024—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing a civil penalty for violation of certain established vessel speed limits; making provisions for dismissal of a boating violation; amending s. 328.72, F.S.; increasing registration fees for vessels; providing for the distribution of certain vessel fees; amending s. 328.76, F.S.; providing for the use of vessel and dealer registration fees transferred into the Marine Resources Conservation Trust Fund; providing funding for manatee protection; amending s. 370.06, F.S.; recognizing the Railroad Retirement Board for making certain disability determinations; amending s. 372.105, F.S.; revising provisions relating to the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; conforming cross-references; amending s. 372.16, F.S.; increasing the permit fee for a private game preserve or farm; amending s. 372.561, F.S.; revising provisions relating issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees; amending s. 372.57, F.S.; creating a gold sportsman's license for residents; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; creating s. 372.5701, F.S.; prescribing requirements for the deposit of saltwater license fees and allocation of federal funds; creating s. 372.5702, F.S.; prescribing requirements for the expenditure of certain funds for marine research; creating s. 372.5704, F.S.; providing a license program to take tarpon; amending ss. 372.571, 372.5712, 372.5715, 372.573, F.S.; conforming cross-references; amending s. 372.547, F.S.; prescribing requirements for subagents for the sale of certain licenses and permits; creating s. 372.579, F.S.; authorizing the Fish and Wildlife Conservation Commission to prescribe a processing fee for certain licenses and permits; amending s. 372.661, F.S.; increasing fees for operating a private hunting preserve; amending s. 372.711, F.S.; providing for a fee for dismissing certain violations of license and permit requirements; amending s. 372.921, F.S.; increasing fees for possession and exhibition of wildlife; amending s. 372.922, F.S.; increasing certain fees for the personal possession of wildlife; amending s. 705.101, F.S., adding derelict vessels to the definition of abandoned property; repealing s. 370.0605, F.S., which provides for saltwater fishing licenses; repealing s. 370.0608, F.S., which provides for deposit of saltwater license fees; repealing s. 370.0609, F.S., which provides for expenditure of funds for marine research; repealing s. 370.0615, F.S.,

which provides for lifetime saltwater fishing licenses; repealing s. 370.062, F.S., which provides for tarpon tags and fees; repealing s. 370.1111, F.S., which provides for snook regulation; repealing s. 370.14(10) and (11), F.S., which provides for crawfish regulation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Geller—

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining the term "claim" for purposes of alternative procedures for resolving disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.31, F.S.; specifying reimbursement for emergency services under health maintenance organization contracts; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; providing an effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 2082—A bill to be entitled An act relating to public records and meetings; creating s. 641.264, F.S.; providing exemptions from public records requirements and public meetings requirements for health maintenance organizations for certain risk-based capital reports, orders, instructions, and plans and related documents, materials, providing for termination of exemptions; and information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 367, CS for HB 409; has passed as amended HB 369, CS for HB 501 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Council for Smarter Government; and Representative Brummer and others—

CS for HB 367—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as

state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Lifelong Learning; and Representative Farkas and others—

CS for HB 409—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Representative Diaz-Balart and others—

HB 369—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent

status for new employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head's sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language;

amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By the Council for Smarter Government; and Representative Brummer and others—

CS for HB 501—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of

the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver’s Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 238.

John B. Phelps, Clerk

CS for SB 238—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprison-

ment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

CS for SB 1750; Garcia—CS for CS for SB 1356; Geller—SJR 1700; Posey—SB 854, SB 1610; Rossin—SJR 1700; Saunders—SJR 1700; Silver—SB 904

CORRECTION AND APPROVAL OF JOURNAL

RECESS

The Journal of April 3 was corrected and approved.

CO-SPONSORS

Senators Carlton—SJR 1700; Clary—SJR 1700; Crist—CS for SB 784,

On motion by Senator Lee, the Senate recessed at 12:24 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:45 a.m., Wednesday, April 11 or upon call of the President.